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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6223/2019**

OM PARKASH

..... Petitioner

Through: Mr Kirti Uppal, Sr. Advocate with Mr
D. K. Yati and Ms Tulika Bhatnagar,
Advocate.

versus

**THE LT. GOVERNOR (NCT OF DELHI) AND
ANR.**

..... Respondents

Through: Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Ishan Agarwal,
Advocates and Mr Ashok Kumar,
ASI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.05.2019

CM No.26713/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 6223/2019 & CM No.26712/2019

2. The petitioner has filed the present petition impugning an order dated 01.05.2019 passed by the Hon'ble Lieutenant Governor, whereby the petitioner's appeal against an order dated 20.02.2019 passed by the Licensing Authority (respondent no. 2) was rejected. By the said order dated 20.02.2019, the Licensing Authority rejected the petitioner's application for renewal of an arms licence for a .32 bore revolver on, essentially, two grounds. First that the petitioner had suppressed the fact that

he was involved in FIRs filed in the year 2003. The petitioner had applied for renewal of a licence in 2006 without disclosing the said FIRs. However, the same were disclosed in the petitioner's application filed in the year 2018. Since the initial renewal was obtained by suppressing the facts of the petitioner being involved in the FIRs, the Licensing Authority rejected the petitioner's application for renewal of the licence.

3. Second, the Licensing Authority also noted that the petitioner had obtained a licence from district Sonapat, Haryana, although there was no evidence of him having physically shifted there. He concluded that the petitioner had obtained the licence by incorrectly showing himself a resident of Sonapat.

4. The petitioner filed an appeal against the aforesaid decision of the Licensing Authority, which was also rejected by the impugned order.

5. Mr Uppal, learned senior counsel appearing for the petitioner contended that the grounds as referred by the licensing Authority for denying the renewal of the arms license are unsustainable. He submitted that the petitioner had shifted to Sonapat temporarily with his in-laws at the time when the arms license was obtained (that is, in the year 1987). However, he readily conceded that there was no material on record to establish that he was resident at Sonapat at the time when the initial licence was obtained.

6. He also does not dispute that the petitioner had not disclosed the factum of being involved in FIRs filed in 2003. He, however, submits that the said FIRs were quashed in the year 2004 and there was a *bona fide* mistake on the part of the petitioner in not disclosing the same in his application for renewal of the license, which was filed in the year 2006. He

contended that the petitioner had voluntarily made full disclosure in his application in the year 2018 and therefore, renewal of the license ought not to have been denied.

7. The aforesaid contentions are unmerited. Admittedly, the petitioner had failed to disclose the fact that he had been involved in FIRs while applying for renewal of the licence in the year 2006. The fact that the FIRs had been quashed would have little bearing on the failure on the part of the petitioner to make a true disclosure at the material time.

8. This court is also informed that FIRs in question were settled as the petitioner and complainants had settled the disputes. However, the same is not relevant as the said facts were not noticed in the impugned orders.

9. The Division Bench of this Court in ***Parveen Kumar Beniwal v. Govt. of NCT of Delhi and Ors.: LPA 41/2015 decided on 29.04.2015: 2015 (149) DRJ 434*** had observed as under:-

“..... Once the rules require an applicant for arms licence / renewal thereof to disclose his previous involvement in a criminal case alongwith the particulars, acquittal is no defence to such non-disclosure. It is for the licensing authority to judge the effect of such acquittal and acquittal in a criminal case does not take away the duty of the applicant for arms licence / renewal thereof to disclose the same. As aforesaid, the statute has made mere non-disclosure, a ground for revocation of licence. The Supreme Court in A.P. Public Service Commission Vs. Koneti Venkateswarulu (2005) 7 SCC 177 while following Kendriya Vidyalaya Sangathan (*supra*) negated the argument that there was no mala fide intention in not giving full particulars by holding that of the purpose for which the information is called, the authority seeking the information is the ultimate judge and it is not open to the candidate to sit in judgment about the relevance of the information called and decide to supply it or not. Similarly,

the plea of inadvertence was negatived by holding that the said plea taken as an excuse for suppression / false declaration for the first time after the truth was discovered is unacceptable.”

10. Insofar as the second ground is concerned, concededly, there is no material on record to show that the petitioner was a resident of Sonapat at the time when he had obtained the licence from the concerned SDM(Gohana), Haryana. It is also relevant to note that the *Pradhan* of village in question had reported that as on 31.08.1989, the petitioner was a resident of the said village. However, it is pointed out that the petitioner had applied for renewal of the licence at the material time from Delhi.

11. In view of the above, this Court finds no infirmity with the impugned order. The petition and the pending application are, accordingly, dismissed.

VIBHU BAKHRU, J

MAY 29, 2019
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